



Montgomery County Alcohol Beverage Services

Division of Licensure, Regulation and Education

"ALERT"

ALCOHOL LAW ENFORCEMENT AND REGULATORY TRAINING

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<u>Announcements</u>

- **▶** From the LRE offices:
 - Update contact information
 - (phone numbers / email / mailing address)
- **▶** Letter of attendance:
 - We will provide you the link at the end of the class. You will need to fill out the information to get your letter of attendance.



<u>Agenda</u>

- ▶ Part 1: Who We Are? / Why ALERT?
- Part 2: The effects of Alcohol on the Body
- ▶ Part 3: Responsible Alcohol Beverage Service
- ▶ Part 4: Maryland Alcohol Rules & Regulations
- ► Part 5: Inspections
- ► Part 6: Under 21 Alcohol Use & IDs
- ▶ Part 7: Course Eval & Goodbye for Some
- Part 8: BLC Hearings Tutorial

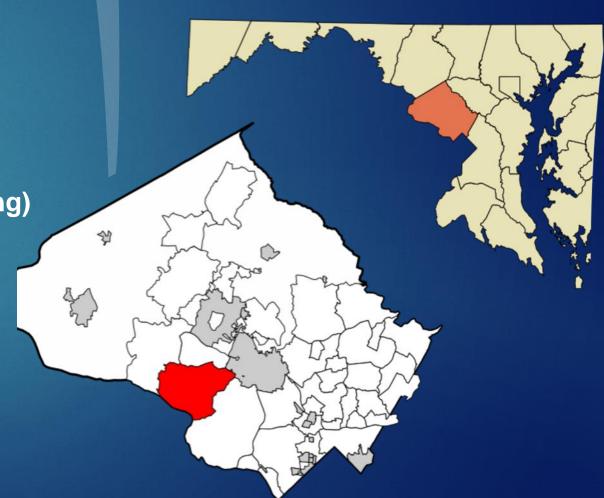
Part 1

Who We Are?

8

Why ALERT?

(Alcohol Law Enforcement and Regulatory Training)



Alcohol Beverage Services

- Manages alcohol licensing, enforcement, & education for over 1000 MoCo businesses
- Serves as a wholesaler and retailer of distilled spirts, and in most cases, wine and beer at the wholesale level for MoCo businesses
- Revenue generated goes back into the County General Fund – over \$30 million annually



ABS – Spotlights

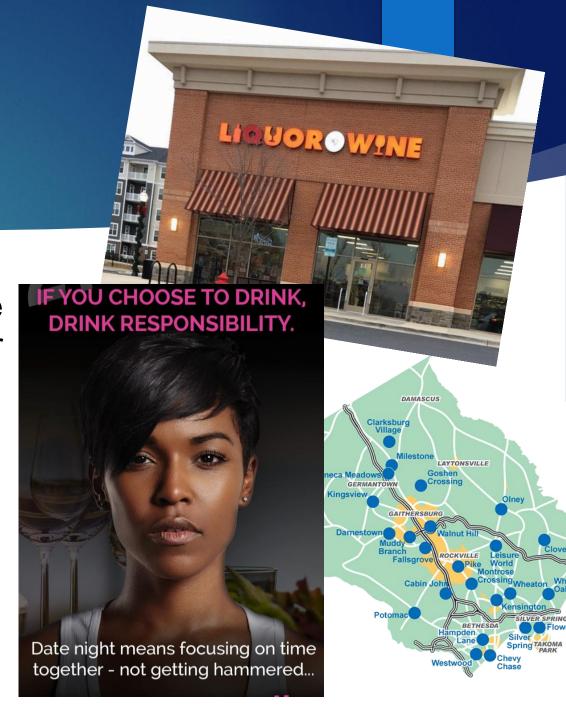
MoCo Board of License Commissioners:

Issues, revokes, or suspends licenses for the sale of alcoholic beverages & issues fines for violations

Community Outreach Programs:

Trainings & Safety Alliance/ Coalitions, business leagues, & community meetings

- Retail Stores:
 - 26 stores
 - Beer, wine, & spirits
 - Citizen & business purchases



Montgomery County is a Control Jurisdiction

- MoCo is a Control jurisdiction, surrounded by License jurisdictions
- ▶ Different rules, different regulations
- We are unique in Maryland only four counties are Control jurisdictions



- ▶ 86% of adults in the US drink alcohol at some point in their lives.
- ▶ 95,000 alcohol-related deaths in the US every year
- ▶ 30% of driving fatalities are due to drunk driving
- ▶ 4 out of 10 underage youth (between 12-20 years) say they have had at least 1 drink in their lives
- ► FY21-22 Compliance Rate: **67.1**%
- FY 21-22 there were **1,713** alcohol-related arrests in MoCo.

This = Over (4) people arrested every day of the year for driving under the influence of alcohol



The Good News... but a Long Way to Go

MoCo alcohol-related deaths are currently low Based on 2019 annual statistics:

Baltimore City: 165

o MoCo: 19

Maryland has one of the lowest alcohol-involved crash fatality rates in the U.S.



Part 2

The Effects of Alcohol on the Body



What is Alcohol?

► Main ingredient in beer, wine & spirits

Causes intoxication or drunkenness

► A depressant - slows down your central nervous system





Alcohol by Volume (ABV)

- ► ABV = standard measure of how much pure alcohol is contained in a beverage
- Expressed in a percentage
- ► Important to keep in mind when serving or selling
- On the label of bottle of wine and beer



Proof – Distilled Spirits

- Proof = 2 x the ABV
 - 100 proof = 50% ABV
 - 80 proof = 40% ABV
 - 50 proof = 25% ABV

▶ Spirits & Cordials

- 20% ABV or greater = spirit (Vodka, Whiskey, Tequila, Gin, Everclear)
- Less than 20% = cordial (Triple Sec, Irish Cream, Liqueurs)



Serving Sizes



ALL ARE STILL ETHYL ALCOHOL!

RULES OF THUMB...

1 DRINK IN \implies 1 HOUR \implies 1 DRINK OUT



Alcohol Absorption Rate Factors

- 1. Body size (sex)
- 2. Mood/Anxiety
- 3. Strength & Type of Drink
- 4. Food Intake
- 5. Medication & Drugs
- 6. Rate of Drinking
- 7. Age



Blood Alcohol Concentration (BAC)

- ► Blood Alcohol Concentration or Content (BAC): Percentage of alcohol in a person's bloodstream
- Driving under the Influence in Maryland: .08 BAC
 a very serious offense in Maryland, resulting in an arrest and record.





Rollercoaster of Intoxication

- 1. Euphoria
- 2. Excitement
- 3. Confusion
- 4. Stupor
- 5. Coma
- 6. Death



Part 3

Responsible Alcohol Beverage Service



Responsible Beverage Service

- Ensures that those who sell & serve alcohol have the knowledge & skills to serve responsibly AND meet the MD alcohol service legal requirements
- Helps servers prevent excessive alcohol consumption and minimize harms from excessive drinking that has already occurred



Promising Practices

Your Establishment

Menu

Staff



Your Establishment

- Adopt "Safe & Sociable" as part of your brand
- Avoid promotions that encourage over-consumption
- ▶ Publicize alcohol policies in visible locations
- Arrange for alternate transportation
- ▶ **Develop** and consistently maintain ID checking policies
- Observe laws regarding server age
- Ensure documentation policies & practice



Menu

- ▶ Standardize drink recipes and use the proper tools not free pours
- ► **Show** the ABV percentages on your drinks
- ► Monitor self serving kiosks
- ► Make alcohol-free beverages available
- ▶ Offer water and free food



Staff

- ► Train staff, making alcohol safety a priority:
 - Teach them how to check IDs, cut someone off, & refuse service
 - Learn the signs of intoxication
 - Know the ABVs of the drinks being served
 - Know where drinks are going
 - Track the number of drinks
- ► **Give** employees the opportunity to achieve their Alcohol Awareness Certification
- ▶ Ensure that employees do not consume alcohol beverages while working



Civil Liability Reasonable Efforts

Steps the law requires:

- ▶ Taking steps to prevent intoxication
- Preventing intoxicated people from doing harm

It is against the law:

- ► The sale, possession, or consumption of alcohol by minors
- Selling to or serving alcohol to someone who is intoxicated

As a bartender, server, or seller of alcohol - you can be sued individually for your decisions



Liquor Board Violations

Steps the law requires:

- Despite how the courts resolve cases, the Board of Liquor Control (BLC) can take administrative action:
 - Participation in an Alcohol Awareness training ("ALERT" within 60 days after Board resolution)
 - Administering fines
 - License suspension & revocation





Tips to Refuse Service

Be aware of your surroundings and take note of guests who are heading towards intoxication.

Before approaching any intoxicated patron, seek approval and assistance from your manager and security staff.

Confidently but politely inform the patron that you can no longer serve them alcohol.

Use "I statements" & do not be accusatory.

Ask them if they would like a non-alcoholic drink instead.

NEVER water down drinks as a substitute for a cut-off.

DOCUMENT. Keep a written record of incidents.

Offer to call a friend or taxi to get them home.

Don't hesitate to call the police if the person threatens to do something unsafe.



Part 4

Alcohol Rules & Regulations

Licenses, Permits, & Permissions

- 34 types of licenses including :
 - Beer, wine, & liquor
 - o On- & off-premises
 - Special licenses for hotels, performing arts/art galleries, corporate training, culinary schools
 - Festivals and One-Day licenses
- Various permits and permissions including:
 - Catering
 - Beer and wine sampling tasting
 - Wine corkage
 - Refillable beer container
 - Outdoor café
 - Business and Temporary Modification
 - Use of spirits in cooking
 - Off-premises consumption permission (By-the-drink)









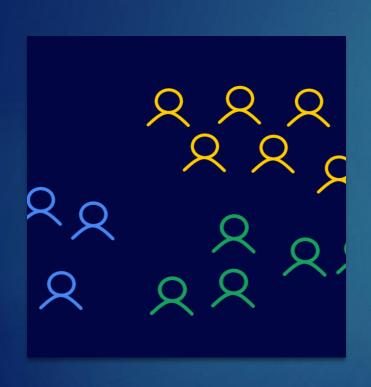




Alcohol Service Laws - Need to Know

age approved bar bottle container display drinking gambling host hours liability nudity open public server Service sexual social source unapproved

Scenario Discussion



Scenario 1:

A young woman comes in and orders wine. When asked for ID, she provides a vertical one.

Should I serve her? POSSIBLY...

Scenario 2:

Joe is having a beer while waiting for a friend at the XYZ bar. Joe's friend calls and says she is waiting for him at another bar across the street. Joe grabs his beer and runs across the street to join his friend.

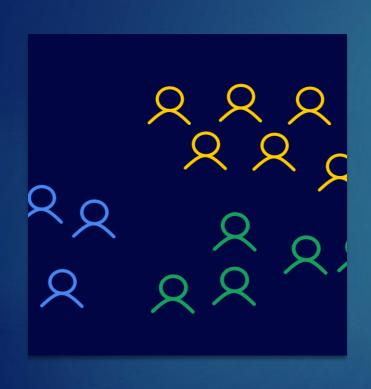
► Problem? YES

Scenario 3:

A young man sits down and orders a beer. The waiter comes back with the beer and asks to see the young mans ID. Upon checking it, the waiter discovers the young man is under 21. The beer never left the waiter's hand.

▶ Violation?

Scenario Discussion



Scenario 4:

As you are taking drink orders from a family, a young woman in the group orders a beer. When you ask for her ID, you discover that she is under 21. You refuse to serve her but an older woman in the group says she's her daughter and she will take full responsibility.

Can you serve her? NO

Scenario 5:

I'm hiring a new server for my business. The staff member will be serving both food and alcoholic beverages. A young man who is 18 applies for the position. Can I hire him?

▶ Do I hire him?

Unapproved Sources of Alcohol

- Don't allow patrons to give you alcohol as a gift at your establishment
- Against the law to store any alcoholic beverages other than those permitted under your license
- All alcohol must come from the MoCo ABS warehouse, one of its 26 stores, or an authorized small winery, brewery, or distillery



Open Container Laws

- No open containers in "the passenger areas" of vehicles
- Patrons who order a bottle of wine with a meal but don't finish it may take the bottle home with them
- Unfinished bottles must be re-corked or re-capped before leaving the premises
- ▶ For more information on MoCo alcoholtobacco-marijuana-laws scan the QR code





Documentation

Establishments greatly benefit from:

- Having an incident log (bound book), keep records for 3 years
- Identifying how it occurred
- Notifying management
- Collecting witness information & asking them to sign the document

MoCo Police non-emergency number 301-279-8000

(Develop a relationship with local police)

INCIDENT REPORT FORM		REPORT FORM	001
Date:	Time of Day:		
Manager:	Primary Staff Person:		
Other Staff Involved:			
Name/Description of Pa	tron:		
☐ ID Co	onfiscated	☐ Transportation Offered	
☐ Non-Alcohol Beverage Served			
Intervendon Strategies	oscu.		
Witnesses:			
Comments:			
Form Completed By:			
	Date:		



Part 5

Inspections

Routine Inspections

V	Alcohol license framed & easily readable to the public
V	Alcohol Awareness Certification/Person on premises during hours on license
	Records accessible & tidy – more on this in a few minutes
	Keg registration
	Bar service & operation regulations followed
	Source/storage regulations followed

Alcohol License

Good Example

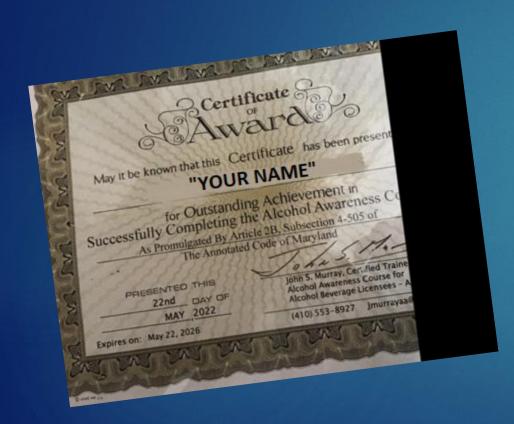


Bad Example



- License in a frame and under glass
- Posted in location where the general public can easily READ the complete document

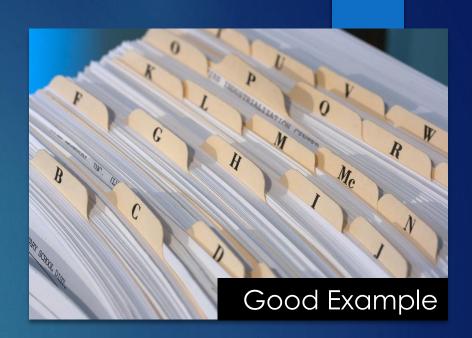
Alcohol Awareness Training



- A person who is certified by an approved alcohol awareness program <u>must</u> be present on the licensed premises during the hours in which alcohol is sold
- Your business could incur fines and possibly lose your license if you do not comply

Records

- Beer, Wine, and Liquor Invoices (from county and private suppliers)
 - Available on premises at-all-times and maintained for at least (2) years
- Employee Records
 - Available on premises at-all-times and maintained for (1) year after an employee leaves
 - Records must include; name, address, phone, date of birth, and date of hire





Keg Registrations



Your Responsibility:

- Order registration book: Comptroller's office 410-260-6381
- Registration forms provided, keep on premises for 30 days
- Stickers must be affixed

ALL KEG SALES MUST BE REGISTERED

Bar Operations

Hours of Service



- ✓ No after hours of alcohol sales/service allowed
- ✓ Food must be available if you're serving alcohol
- ✓ Adhere to closing times set by the County
 - ✓ Beer & Wine Alcohol Cleared:
 - ✓ 2 a.m. all week, off-sale ends at 1 a.m.
 - ✓ Beer, Wine & Liquor Alcohol Cleared:
 - ✓ 2 a.m. Sunday through Thursday
 - √ 3 a.m. Friday and Saturday

Bar/Bottle Service



- ✓ Prohibited from:
 - ✓ Reusing or refilling any bottle or container
 - ✓ Adulterating, diluting, or fortifying contents of a bottle or container
- ✓ Label premixes with a date can't be used after 5 days
- ✓ Bottles must have original labels on them
- ✓ Under age 21 employees can serve alcohol (18 years old minimum)
- ✓ Bottle service of distilled spirits is not allowed...with exception of a private rented room

Other Considerations

Drinking in Public



- On public property unless authorized to do so
- In a parking lot open to the public in general
- In a parked vehicle at the above locations

Nudity & Sexual Displays



- Lewdness or prostitution
- Pictures, videos, or electronic reproductions of the sexual act
- Nude dancing
- The placement of \$ on any performer

Gambling



- Pay to Play (includes purchase of food/beverage)
- A Game of Chance
- Eligible to win money or a prize (including chips for additional playtime when others must pay- constitutes value)
 Must include these 2 elements

Must include these 3 elements

Compliance Checks

	Compliance Check
"Customer"	Under 21
ID Check	Actual ID (Not a fake)
Purpose	Enforcing laws
Agency	Police, county and state inspectors
Consequences for employee or business	Fines, jail time, license suspension or revocation







Part 6

Under 21 Alcohol Use & IDs

Age-Related Risk Factors

- ► The risk of a fatal crash is greater for those under 21 than it is for older drivers, even at low levels of alcohol consumption. They are less experienced drivers
- 2019 data: 24% of young drivers (aged 15-20) involved in fatal crashes had BAC of .01 or higher
- ► Same year: Highest percentage of drunk drivers with BACs of .08 = 21-24 year olds



Serving those Under the Age of 21

Strict penalties for establishments & those who serve to those who are underage:

- Fines, jail time, & liquor license revocation
- \$1000 fine for first offense & up to
 \$25,000 for repeat offenses
- Person selling possible 2 years in jail





Acceptable Forms of ID

Acceptable	Unacceptable
 ✓ Valid Driver's License ✓ MVA State ID ✓ Military ID ✓ Permanent resident card/green card ✓ Valid passport or passport card 	 An expired ID College ID Foreign driver's license Credit card Library card Birth certificate Note from parent (just kidding³)

ID Requirements

- ✓ Government-issued
- ✓ Birthdate
- ✓ Owner's photo
- √ Signature
- ✓ Not expired
- ✓ Intact
- Must be taken out of the wallet picture isn't valid



G-R-E-E-T

- ► G-Get ID into your hands
- R-Read the information on ID
- ► E-Examine the ID vs. carrier
- ► E-Employ tools to validate ID
- ▼ T-Test individual







92/21/2021

ANDROS 1234 COMMODORE JOSHUA BARNEY DRIVE, NE

> 12/03/2013 VETERAN

WASHINGTON, DC 00000-0000 WASHINGT OF MICH MICH ST M 6-04 200 BRO

1234567 SAMPLECAR THOMAS ALEXANDER

12348797479914

ID Gallery

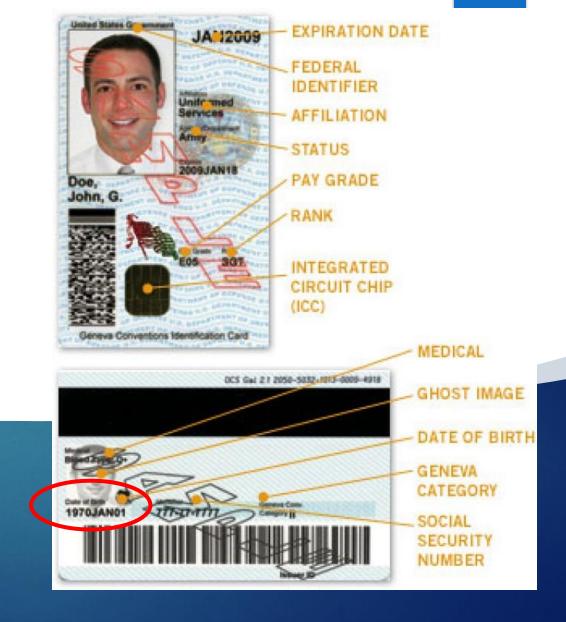


ID Gallery



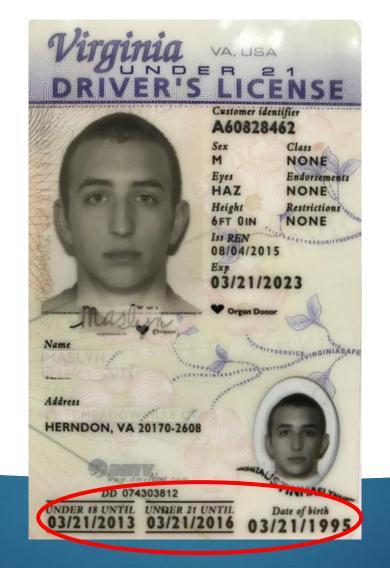






ID Gallery







Vertical ID's

(Issued to residents under age 21. No math required – expiration date on the ID)

Is an ID Fake, Borrowed, or Stolen?



- ✓ Height/weight/physical description doesn't match person
- ✓ Misspellings
- ✓ Signs it's been tampered
- ✓ Lamination/creasing
- ✓ No such thing as a "US ID card"



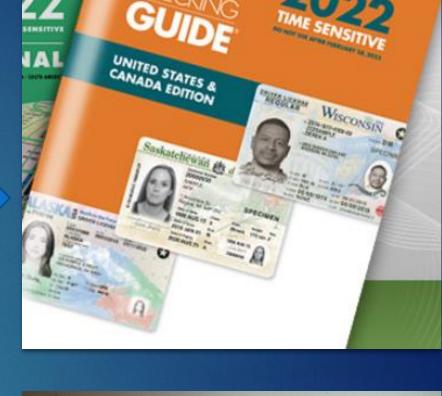
- ✓ Examine for rigidity should be bendable.
- ✓ Look for raised letters, watermarks, & holograms
- ✓ Use the ID Checking guide & other tools
- ✓ Ask questions height, address, zip code that only owner would know
- ✓ Ask for a 2nd ID.
- ✓ Ask for a signature
- ✓ If you're still not sure, refuse service
- ✓ Don't confiscate

Tools for Checking IDs

- ► ID Checking Guide : Different states have specific features – check the guide
- ▶ ID Barcode Scanners
- Flashlights and/or black lights
- Magnifying glass













Part 7

Course Eval & Goodbye for Some

Before you Leave

- ► Fill out the form to receive credit for attending this training
- 3 Ways To Do It:
 - Click on the link in the chatbox
 - Type link below on your browser (Case Sensitive) https://bit.ly/3bFZ0wJ
 - OR Scan this QR code

Thanks for participating today!









- ► Call: 240.777.1900 Monday-Friday, 8:00AM 4:30PM
- ► Email: ABS@montgomerycountymd.gov
- Connect: With ABS experts, two-way communication
- Proactive outreach: On order status and product availability
- Measured responsiveness: To your inquiries
- iStore: Connect with ABS experts on any inquiries regarding your iStore account

ABS Communication Center



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Thank you!

Montgomery County Alcohol Beverage Services

Division of Licensure, Regulation and Education

Licensing Manager	240.777.1997
Compliance Manager	240.777.1985
Pre-Licensing	240.777.1936
Community Outreach	240.777.1954

Part 8

BLC Hearings Tutorial







Who is the Board of License Commissioners?

- ABS-LRE staff supports the County Executive appointed Board of License Commissioners (Liquor Board)
- Approves new and transfers licenses and approves one day licenses
- Any changes (including floor plans, seating capacity and hours of operation) must be submitted to the licensing office. Notify the licensing office in writing to let them know of changes



Who is the Board of License Commissioners?

- Annual renewals
- Show-cause hearings/violations
- Fine up to \$20,000, may suspend or revoke licenses

IMPORTANT:

If a license is revoked, the licensee may never again hold an alcohol license in Maryland

Prepare for the Hearing

- All applicants & managers must attend the hearing
- Hearings are held in our offices located at 201 Edison Park Dr. Gaithersburg, MD
- ▶ Briefly describe the type of business, the business concept, & the uniqueness of the business



Prepare for the Hearing

- ▶ Be prepared to talk about any alcohol:
 - Experience you may have had in Montgomery County (serving food and/or alcohol, bartending, managing a facility, owning a business, etc.)
 - Violations during this time



Prepare for your Hearing

You will be asked to:

- Scan & send a floor plan via email prior to the hearing showing all areas of your facility, including entrances, individual seats, storage areas, bathrooms, kitchen, bar, outdoor cafes, exits & walls
- Briefly explain the floor plan
- Submit a copy of your menu if you serve food
- ► Take an ID test through Zoom prior to your hearing date.

(You will analyze 10 ID's for validity)



- ► How old does a person need to be to purchase alcohol?

 Age 21
- ► How old does a person need to be to serve alcohol in MD?

 Age 18
- ▶ What are the 5 acceptable forms of ID?

State Issue Driver's License
State Issued (MVA) ID Card
Passport
Military ID
Immigration Card/Green Card



- Employee records & all alcohol receipts:
 - Where will you keep your employee records & alcohol invoices/receipts?
 On premise, unlocked, available at all times for the inspector or police
 - How long will you keep employee records after they are no longer working for you?

One year after they leave, current employees will have records on premise at all times

How long will you keep your alcohol invoices/receipts?
 Two years or longer



- Purchasing alcohol:
 - Where will you purchase your alcohol?

Montgomery County Alcohol Beverage Services, one of the Montgomery County Liquor Stores, or authorized small wineries, breweries, or distilleries

- ▶ Only for Class B License (Beer, Wine & Liquor)
 - What is the maximum legal food to alcohol ratio requirement? What ratio do you expect to have?

60% alcohol /40% food, (60/40) the higher the food sales the better

- Have you attended the ALERT Class?
 - How many staff members will you have attend the ALERT Class?
 Best practice is to have all staff trained



- ► How many employees will you have?
 - How many will be Alcohol Awareness Certified?
 Best practice is to have all or most staff trained
 Someone must be on premises at all times with this certification
- ► Are you aware of the high schools in the area of your business?
- Be ready to answer theses additional questions:
 - List your regular hours of daily operation (these may be changed)
 - What policies & guidelines do you have for the sale of alcohol?
 - What written, alcohol-related policies do you have for your employees?
 - Will you be using promoter?
 - Will you be accepting vertical IDs?







The Liquor Board Hearing

- ➤ You will receive a cover letter & copy of the resolution within 10 days via email
- ► Following the hearing, call the Licensing Office 240.777.1999 to schedule a final inspection so you may then pick up your alcohol license
- ► For the final inspection, you will need:
 - Certificate of Use and Occupancy
 - Food Service Facility License
 - Alcohol Certificate
 - Maryland Sales and Use Tax License
 - Traders License
 - Bulk Transfer Permit (for Transfer Applications)



Annual License Renewal

- All licenses to sell/serve alcohol in Montgomery County expire at 12:00 a.m. on May 1 each year
- Applications must be received or postmarked by <u>March 31</u>. ABS suggests filing your application online by visiting: https://www.montgomerycountymd.gov/ABS/licensure/license/
- ► **Two** fees are due annually:
 - A \$100 processing fee due at the time of renewal application submission
 - The license fee (varies by license) due when the license is picked up





Before We Close....



You have:

- 30 days upon receipt of the Resolution to transfer your license and 2 years to pick up a new license
- 30 days to turn in a transfer application from the purchase of a business
- ▶ If you close for 10 consecutive days, you must notify the Board in writing or via email to avoid a 10-day notice leading to the expiration of the license

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